SECTION II: REMARKS

A. Summary of Amendments

By the present amendment, claims 1 and 7 have been amended to replace the phrase "the memory" with "said memory" to promote consistency with subsequent usage of such phrase in both claims. Such amendments are made to place the application in better condition for allowance or appeal. Such claim amendments are supported by the originally-filed specification, for example, at page 7, line 22 – page 8, line 3.

No new matter within the meaning of 35 U.S.C. 132 has been introduced by the foregoing amendments.

B. Allowable Subject Matter; Response to Claim Objections

In the November 18, 2009 Office Action, the examiner indicated that claims 3-6, 9-12, and 16-19 were objected to but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims[1].

No amendments to claims 3-6, 9-12, and 16-19 are made herewith, in view of the arguments supporting patentability of the base claims on which 3-6, 9-12, and 16-19 depend. Applicant reserves the right, if necessary, to re-write claims 3-6, 9-12, and 16-19 as indicated by the examiner at a later time.

C. Response to Claim Rejections Under 35 U.S.C. 103

The November 18, 2009 Office Action contained multiple rejections under 35 U.S.C. 103, namely:

- a rejection of claims 1, 2, 7, 8, 13, 14, 20, and 21 as being unpatentable for obviousness over allegedly "Admitted Prior Art" (hereinafter, "APA") in view of U.S. Patent No. 7,237,198 to Chaney (hereinafter, "Chaney");

[1] November 18, 2009 Office Action, page 8.

- a rejection of claim 15 as being unpatentable for obviousness over APA in view of Chaney, as applied to claim 1, and further in view of U.S. Patent No. 5,991,520 to Smyers et al. (hereinafter, "Smyers");
- a rejection of claim 22 as being unpatentable for obviousness over APA in view of Chaney, as applied to claim 13, and further in view of U.S. Patent No. 6,762,798 to Messer et al. (hereinafter, "Messer"); and
- a rejection of claims 23-24 as being unpatentable for obviousness over APA in view of Chaney, as applied to claim 13, in view of Messer and further in view of Smyers.

The foregoing rejections are discussed below.

1. The Rejection of Claims 1, 2, 7-8, 13-14 and 20-21 under 35 U.S.C. 103(a) Should Be Withdrawn

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. MPEP §2143.03.

In the November 18, 2009 Office Action, claims 1, 2, 7-8, 13-14 and 20-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over allegedly APA in view of U.S. Patent No. 7,237,198 to Chaney (hereinafter, "Chaney"). This rejection should be withdrawn for at least the reason that the allegedly APA in view of Chaney does not does not establish a *prima facie* case of obviousness with respect to Applicant's independent claims 1, 2, 7-8, 13-14 and 20-21.

a. The Examiner Has Misinterpreted Background Statements Made by Applicant Relating to Alleged "Admitted Prior Art"

In the November 18, 2009 Office Action, the examiner characterized the alleged "Admitted Prior Art" as disclosing "a DAPD[2] …, a connected processing system … , the external interface (playback device …), a user interface application program (a UI software application …), a memory …, storing …, a DAPD application programming

[2] DAPD refers to digital audio playback device.

interface (API) (the libraries … contain implementations of application programming interfaces) …"[3].

To the extent that the examiner is characterizing background statements made by Applicant as suggesting that a DAPD includes a memory storing an application programming interface (API), Applicant disagrees. Applicant hereby disputes the examiner's characterization of alleged Admitted Prior Art. It appears that the examiner has confused various elements of a **DAPD** with a **connected device** (for example a PC) which may be used to control the DAPD. In order to dispel such confusion, portions of the background statements made by applicant are highlighted below.

The background section of the present application states:

> "A pocket-sized digital audio playback device may have only three or four control buttons and a tiny LCD for displaying alphanumeric data. Hence, digital audio playback devices controlled by a user interface on a connected device are becoming increasingly common."[4]

This makes it clear that the connected device (i.e., a PC) is separate and distinct from the DAPD and that the DAPD does not comprise a connected device. The background section of the present application further states:

> "Typically, the connected user interface executed by the PC may control a digital audio playback device via some software libraries made available by the manufacturer of the digital audio playback device and resident on the connected device."[5]

This makes it clear that the software libraries used to control a DAPD are resident on the connected device (i.e., PC) and not on the DAPD. The background section of the present application further states:

> "These libraries also contain implementations of application programming interfaces (APIs) that are supported by the digital audio playback device."[6]

[3] November 18, 2009 Office Action, page 2.
[4] Application, page 2, line 20 - page 3 line 1.
[5] Application, page 3, line 22 - page 4 line 3.
[6] Application, page 4, line 8-10.

This makes it clear that the API is contained in the software libraries on the connected device, and not on the DAPD. Thus, the background section of the present application states that the connected device is separate and distinct from the DAPD, and that the software libraries, which contain APIs, are resident on the connected device -- not on the DAPD.

To further elucidate the differences between a conventional DAPD and a conventional connected device, characteristics of a conventional DAPD are contrasted with characteristics of a conventional connected device in the following table.

Characteristic	**Conventional "DAPD"**	**Conventional "Connected Device"**
Embodiment	May be embodied in a portable MP3 player[7]	May be embodied in a personal computer (PC)
User Interface control capability	On –board UI controlling only one attached DAPD[8]	Connected UI capable of controlling multiple external DAPDs from different manufacturers[9] through a user interface application stored on the connected device[10]
Use of resident memory	Storage of audio files[11]	Storage of software libraries (e.g., device drivers and APIs to communicate with and control one or more external conventional DAPD[12]
Method of control	Built-in UI[13] with "only three or four control buttons"[14]	Mouse attached to connected PC[15]

[7] Application, page 1, line 18 – page 2, line 1.
[8] Application, page 2, lines 6-9.
[9] Application, page 4, lines 18-19.
[10] Application, page 3, line 22 – page 4, line 3.
[11] Application, page 1, lines 15-18.
[12] Application, page 3, line 22 – page 4, line 10.
[13] Application, page 2, lines 11-12.
[14] Application, page 2, lines 20-22.
[15] Application, page 3, lines 10-11.

Characteristic	Conventional "DAPD"	Conventional "Connected Device"
Display	"tiny LCD"[16]	Display may include a monitor screen[17]

As can be seen by contrasting these characteristics in the foregoing table, a conventional DAPD has a built in UI (user interface) capable of controlling only itself and the memory resident in a conventional DAPD is used only for storage of audio files. In contrast a conventional connected device may control multiple external DAPDs, and the memory resident in a connected device may store software libraries, drivers and APIs.

Thus, as demonstrated in the discussion and foregoing table, a conventional DAPD is distinct from a conventional connected device in multiple aspects. Even though both a conventional DAPD and a conventional connected device may be used to control aspects of a DAPD, the software libraries and APIs used by a conventional connected device to control a conventional DAPD reside solely on the conventional connected device, and a conventional DAPD has no ability to control a conventional connected device. In summary, the APA does not disclose an API stored in the memory of a conventional DAPD.

At page 3 of the November 18, 2009 Office Action, the examiner conceded that "[Admitted Prior Art] does not teach reverse the memory stores DAPI API (*sic*, DAPD API) capable of external interface causing a processor to access and control a user interface and displayed on a monitor screen associated with said connected processing system." Applicant agrees that the art does not teach the foregoing features, as conceded by the examiner.

b. Cheney Fails to Disclose a Reverse DAPD API Capable of External Interface Causing a Processor to Access and Control a User Interface

At pages 3-4 of the November 18, 2009 Office Action, the examiner alleged[18]:

[16] Application, page 2, lines 20-22.
[17] Application, page 3, lines 5-7.
[18] This passage is repeated again in November 18, 2009 Office Action, pages 9-10.

> "…Chaney teaches reverse DAPI API (*sic*, DAPD API) capable of external interface causing a processor to access and control a user interface and displayed on a monitor screen associated with said connected processing system, displayed on a monitor screen associated with said connected processing system (The client computer 104, the music server 128, and the music renderers 126A 126N may each have any conventional general purpose single- or multi-chip microprocessor [processing system] [wherein] … the client computer 104 comprises a network interface 140, an electronic music player 144, a music renderer controller 148 [playback device], and device drivers 152A-152M. … As defined herein, a device driver is a software program, module, procedure or executable, that is capable of communicating with a music renderer, the device driver being adapted to "plug-in" and be operably connected to the music player 144, col. 3, ln 65-67/col. 4, ln 1-5/ Advantageously, by providing a music renderer controller 148 that is designed to communicate with device drivers by a predefined interface, i.e. the DIAPI[19] [reverse API], one or more new device drivers can be added at later dates and can communicate with the music player 144. The interface to the music player 144 is independent on the particular characteristics of each of the music renderers 126A-126N. The DIAPA of the music renderer controller 148 gives the music renderer manufacturers flexibility to define what actions can be performed with respect to the music renderer. Furthermore, by using the DIAPI, changes in firmware of one of the music renderers 126A-126N do not necessitate changes in the electronic music player 144. …
>
> It would have been obvious to one of ordinary skill in the art at the time the invention was made to modifying (*sic – modify*) the teaching [of] APA with Chaney to incorporate the feature of reverse DAPI API capable of external interface causing a processor to access and control a user interface and displayed on a monitor screen associated with said connected processing system because this provides augmented or improved content with playback of DVD content because this gives the music renderer manufacturers flexibility to define what actions can be performed with respect to the music renderer (col 11, ln 7-18)[20]."

Applicant disagrees with the examiner's characterization of Chaney's disclosure and the examiner's resulting conclusion of obviousness.

[19] Chaney col. 4, lines 7-10. "…DIAPI (device integration application program interface) that provides a predefined interface for communicating with the device drivers 152A-152M."
[20] November 18, 2009 Office Action, pages 3-5.

Chaney discloses a music player 144[21] that operates (e.g., as a software program[22]) on a client computer 104, and that is arranged to communicate with multiple music renderers 126A-126N. A music renderer controller 148 and device drivers 152A-152M that reside in the client computer 104 enable communication with the music renderers 126A-126N. The client computer 104 further includes a network interface 140 that enables communication with an external music server 128 via a communication network 120.

At page 3 of the November 18, 2009 Office Action, the examiner alleged:

> "Advantageously, by providing a music renderer controller 148 that is designed to communicate with device drivers by a predefined interface, i.e. the DIAPI [reverse API], one or more new device drivers can be added at later dates and can communicate with the music player 144." [23]

In this passage, the examiner characterizes the DIAPI as a reverse API. Applicant disagrees with the examiner's characterization of the DIAPI of Chaney as a reverse API. Chaney states at col. 4, lines 7-12 thereof that "[t]he music renderer controller 148 comprises a device integration application program interface (DIAPI) that provides a predefined interface for communicating with device drivers 152A-152M. Using the DIAPI, programmers can develop new device drivers 152A-152M for integration within the client computer 104." Thus the DIAPI of Chaney is used to provide a standard interface for communication between the device drivers 152A-152M and the client computer 104 within the client computer -- not between a DAPD and a connected device. Furthermore, the DIAPI of Chaney is universal and does not need to be changed or modified for different device drivers 152A-152M or music renderers (DAPD) 126A-126M, whereas an API will not work with all DAPDs or music renderers. The foregoing makes it clear that the examiner's characterization of the DIAPI as a reverse API (or in fact even an API) is incorrect.

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[21] It is noted that U.S. Patent No. 7,237,198 is assigned to RealNetworks, Inc., and the "music player 144" appears to correspond in character to the "RealPlayer" application that is widely distributed by RealNetworks, Inc.

[22] See Chaney, col. 4, lines 58-65 and claim 5 ("wherein the music player is a program executing on a computer").

[23] This passage is repeated in the November 18, 2009 Office Action at page 10 thereof.

Referring to Chaney FIG. 1 (reproduced below), Chaney draws a clear distinction between a "client computer 104" and "music renderers 126A-126N."

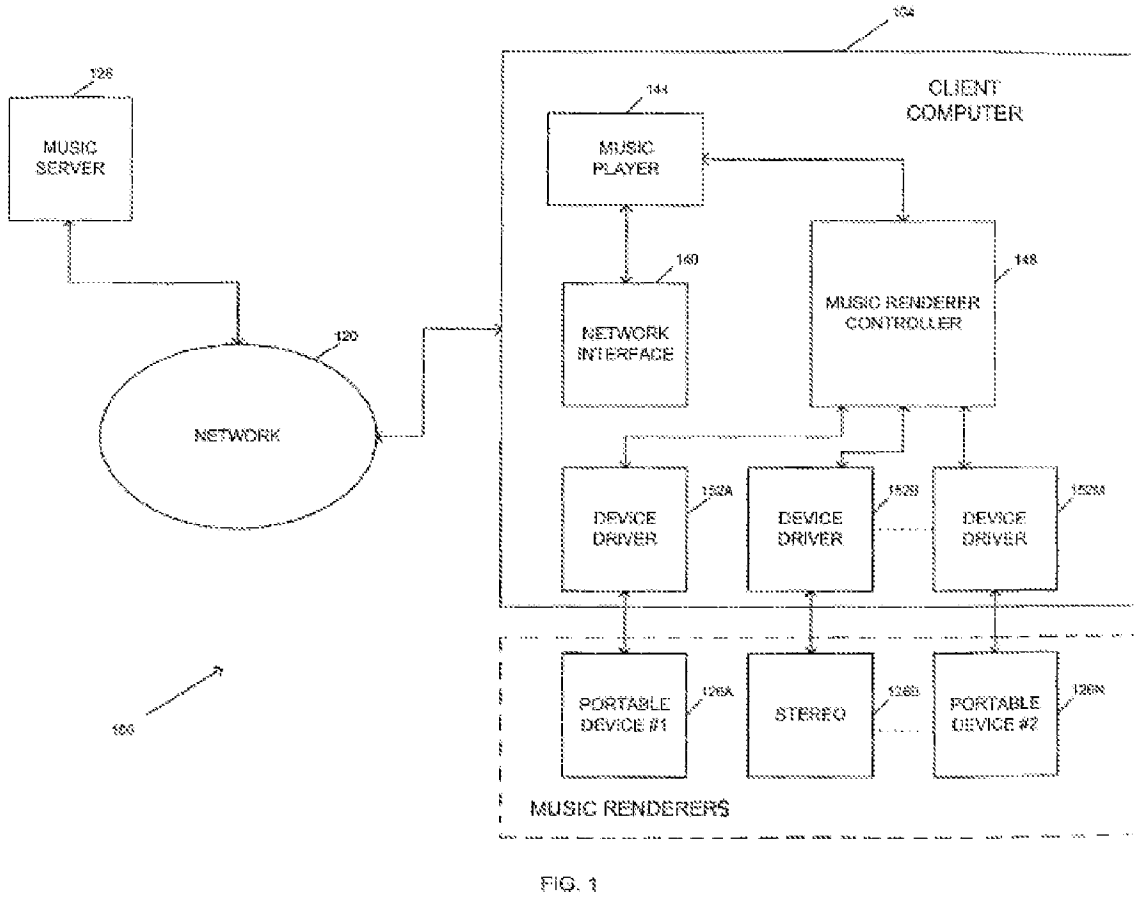

FIG. 1

As is clear from Chaney FIG. 1 and Chaney col. 3, lines 56-59, Chaney's device drivers 152A-152M are contained in the client computer 104. Chaney's device drivers 152A-152M include application program interfaces (APIs) enabling communication with Chaney's music renderer controller 148.[24] Chaney states at page 6, lines 14-15 thereof that "[a] **device driver can provide controls for the music renderer**," and that a device driver associated with the music player 148 (within Chaney's client computer 104) can integrate any new control windows into the music renderer. Moreover, Chaney discloses that "each device driver can customize the control portion depending on the requirement

[24] Chaney, col. 5, lines 41-44.

of **the music renderer that is being managed by the device driver**[25]." The foregoing features are entirely consistent with Chaney's **control of a music renderer** (126A-126N) **by the client computer** 104.

Chaney's control of a music renderer by the client computer 104 is further emphasized by Chaney col. 10, lines 21-28, as reproduced below:

> "[B]y using the DIAPI, changes in firmware of one of the music renderers 126A 126N do not necessitate changes in the electronic music player 144. If additional features are provided with respect to one the music renderers 126A 126N, a new device driver may be created to communicate with the music renderer controller 148 and thereby allow the user to take advantage of such new features without requiring a re-design of the music player."

The foregoing excerpt makes clear that a new device driver may be created to enable communication with a music renderer after a firmware update of the music renderer. Nothing in the foregoing passage suggests transmission of any API from a music renderer to Chaney's client computer 104.

This is further reiterated by the flowchart of Chaney FIG. 5 "illustrating a process of utilizing the music player of FIG. 1[26]." At col. 9, lines 41-62, Chaney describes the installation of a new music renderer at step 520. A summary of such installation is as follows:

1. "At step 520, the user can request to install a new music renderer."[27]
2. "…the user is provided a list of music renderers that are supported by the music player 144."[28]
3. "Upon the selection of a music renderer, the music player 144 identifies the location of a device driver for the selected music renderer. The location of the device driver for the selected music renderer can either be provided by the user or alternatively be maintained by the music server 128.[29]
4. "…if the device driver is not on the client computer 104, the client computer 104 requests another computer that is connected to the network 120 to transmits the device driver to the client computer 104." or "the music player 144 requests the user to insert program

[25] Chaney, col. 8, lines 65-67.
[26] Chaney, col. 3, lines 7-8.
[27] Chaney, col. 9, lines 43-44.
[28] Chaney, col. 9, lines 45-47.
[29] Chaney, col. 9, lines 50-54.

> storage device, such as a compact diskette, so that the music player 144 may copy the device driver to the client computer 104.[30]

The foregoing excerpts from Chaney make clear that a new music renderer is installed by copying the required device driver to client computer 104. Again, this is entirely consistent with Chaney's control of a music renderer (126A-126N) by the client computer 104. Several locations are identified by Chaney as sources for the device driver; for example, such driver may be provided by the user, on client computer 104, on another computer connected to network 120, or on a storage device such as a compact disk. Again, this is entirely consistent with Chaney's control of a music renderer (156A-126N) by client computer 104. Nothing in the foregoing passage – or indeed anywhere in Chaney's disclosure – suggests storage of any device driver or API on a music renderer, or transmission of any device driver or API from a music renderer to Chaney's client computer 104.

All of the control features disclosed by Chaney relate to a client computer controlling a music renderer – NOT a music renderer controlling a client computer. Furthermore, nothing in Chaney discloses or suggests storage of a control program (i.e. device driver or API) on a DAPD. It is therefore clear that **Chaney does not disclose a reverse DAPD application programming interface (API)** adapted to cause a processor (of the digital audio playback device) to access and control a user interface associated with a user interface application program executed on a connected processing system.

For at least the reason that Chaney does not disclose a reverse DAPD application programming interface as recited in Applicant's independent claims 1, 7, 13, and 20, the proposed combination of allegedly "Admitted Prior Art" and Chaney does not disclose all elements of Applicant's independent claims 1, 7, 13, and 20. Accordingly, withdrawal of the rejections of Applicant's independent claims 1, 7, 13, and 20 is warranted, and is respectfully requested.

Since dependent claims inherently include all of the limitations of the claims on which they depend[31], the claims depending (whether directly or indirectly) from independent claims 1, 7, 13, and 20 are likewise distinguished over the allegedly

[30] Chaney, col. 9, lines 55-62..
[31] 35 U.S.C. 112, fourth paragraph.

"Admitted Prior Art" and Chaney. Accordingly, withdrawal of the rejections of claims 2, 8, 14, and 21 is warranted, and is respectfully requested.

2. The Rejection of Claim 15 under 35 U.S.C. 103(a) Should Be Withdrawn

In the November 18, 2009 Office Action, claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over allegedly Admitted Prior Art in view of Chaney as applied to claim 1 above, and further in view of U.S. Patent 5,991,520 to Smyers (hereinafter, "Smyers").

Claim 15 depends from independent claim 13, and therefore inherently includes all features of claim 13[32]. Patentable distinctions of independent claim 13 over allegedly Admitted Prior Art in view of Chaney have been previously established herein. The addition of Smyers fails to remedy the deficiency of allegedly Admitted Prior Art and Chaney in disclosing all elements of claim 13. The rejection of claim 15 should be withdrawn for at least the same reasons as articulated above in connection with claim 13.

At pages 5-6 of the November 18, 2009 Office Action, the examiner alleged:

> "As to claim 15, APA and Chaney do not teach API comprises first data associated with a manufacturer of the digital audio playback device and wherein the step of executing the reverse DAPD includes using the first data to vary at least a portion of user interface. However, Smyers teaches API comprises first data associated with a manufacturer of the digital audio playback device and wherein the step of executing the reverse DAPD includes using the first data to vary at least a portion of user interface (col 4, ln 1-5/ln 37-41/ col 5, ln 33-42/ col 7, ln 45-50/ col 9, ln 2-13/ ln 20-27), API comprises first data associated with a manufacturer of said digital audio playback device (col 2, ln 20-30)."

Applicant disagrees with the examiner's characterization of Smyers' disclosure and the examiner's resulting conclusion of obviousness.

The rejection of claim 15 should be withdrawn for at least the additional reason that Smyers fails to disclose API that comprises first data associated with a manufacturer of the digital audio playback device, as required by claim 15.

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[32] 35 U.S.C. 112, fourth paragraph.

Applicant has reviewed the reference portions identified at pages 5-6 of the November 18, 2009 Office Action[33] where examiner alleged that Smyers discloses an API comprising first data associated with a manufacturer of the digital audio playback device. Following such review, Applicant finds no indication of the teaching alleged by the examiner, either in the reference portions specifically identified by the examiner or in the entire disclosure of Smyers.

Since Smyers fails to disclose API comprises first data associated with a manufacturer of the digital audio playback device, no combination of Smyers with the allegedly APA and Chaney embodies all elements of Applicant's dependent claim 15. Accordingly, withdrawal of the rejection of dependent claims 15 is warranted, and is respectfully requested.

3. The Rejection of Claim 22 under 35 U.S.C. 103(a) Should Be Withdrawn

In the November 18, 2009 Office Action, claim 22 was rejected under 35 U.S.C. 103(a) as being unpatentable over allegedly Admitted Prior Art in view of Chaney as applied to claim 13 above, and further in view of U.S. Patent 6,762,798 to Messer et al. (hereinafter, "Messer").

Claim 22 depends from independent claim 20, and therefore inherently includes all features of claim 20[34]. Patentable distinctions of independent claim 20 over allegedly Admitted Prior Art in view of Chaney have been previously established herein. Messer discloses methods and apparatuses for providing video control for television applications; Messer is not concerned with any reverse DAPD API. The addition of Messer fails to remedy the deficiency of allegedly Admitted Prior Art and Chaney in disclosing all elements of independent claim 20. The rejection of claim 22 should be withdrawn for at least the same reasons as articulated above in connection with claim 20. Since no combination of the cited art discloses all elements of Applicant's claim 22, withdrawal of the rejections of such claim is warranted, and is respectfully requested.

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[33] Specifically, "col 4, ln 1-5/ln 37-41/ col 5, ln 33-42/ col 7, ln 45-50/ col 9, ln 2-13/ ln 20-27 and col 2, ln 20-30" of Smyers, as identified by the examiner.
[34] 35 U.S.C. 112, fourth paragraph.

4. The Rejections of Claims 23-24 under 35 U.S.C. 103(a) Should Be Withdrawn

In the November 18, 2009 Office Action, claims 23-24 were rejected under 35 U.S.C. 103(a) as being unpatentable over allegedly Admitted Prior Art in view of Chaney as applied to claim 13 above, and further in view of Messer and Smyers.

Claims 23-24 depend (whether directly or indirectly) from independent claim 20, and therefore inherently includes all features of claim 20[35]. Patentable distinctions of independent claim 20 over allegedly Admitted Prior Art in view of Chaney have been previously established herein. Smyers discloses an API for managing and automatic data transfer operations between applications over a bus structure; Smyers is not concerned with any reverse DAPD API. Messer discloses methods and apparatuses for providing video control for television applications; Messer is not concerned with any reverse DAPD API. The addition of Smyers and Messer fails to remedy the deficiency of allegedly Admitted Prior Art and Chaney in disclosing all elements of independent claim 20. The rejections of claims 23-24 should be withdrawn for at least the same reasons as articulated above in connection with claim 20. Since no combination of the cited art discloses all elements of Applicant's claims 23-24, withdrawal of the rejections of such claims is warranted, and is respectfully requested.

5. The Examiner Has Not Provided Articulated Reasoning With Rational Underpinning to Support Legal Conclusion of Obviousness With Respect to Claim 22

It is fundamental to a proper rejection of claims under 35 U.S.C. § 103 that an examiner must present a convincing line of reasoning supporting the rejection. MPEP 2144 ("Sources of Rationale Supporting a Rejection Under 35 U.S.C. 103"), citing *Ex parte Clapp*, 227 USPQ 972 (Bd. Pat. App. & Inter. 1985). The Supreme Court affirmed the validity of such approach, stating that "**there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness**."

[35] 35 U.S.C. 112, fourth paragraph.

KSR International Co. v. Teleflex Inc., 127 S.Ct 1727, 167 L.Ed.2d 705, 82 USPQ2d 1385, 1396 (2007). In *KSR*, the Supreme Court further confirmed that **references that teach away from the invention are evidence of the non-obviousness** of a claimed invention, (*KSR*, 82 USPQ2d at 1395, 1399) and reaffirmed the principle that a factfinder judging patentability "should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning."

Following *KSR*, the Federal Circuit held that although "rigid" application of the "teaching, suggestion, or motivation" ("TSM") test for obviousness is improper, **application of a flexible TSM test remains the primary guarantee against improper "hindsight" analysis**, because a flexibly applied TSM test ensures that the obviousness analysis proceeds on the basis of evidence in existence before time the application was filed, as required by 35 U.S.C. § 103. *Ortho-McNeil Pharm. Inc. v. Mylan Labs., Inc.*, 520 F3d 1358, 86 USPQ2d 1196, 1201-02 (Fed. Cir. 2008).

In the November 18, 2009 Office Action, the examiner proposed the following reason for combining the purported Admitted Prior Art, Chaney, and Messer to yield the subject matter of claim 22:

> "It would have been obvious to one of ordinary skill at the time the invention was made to combine the teaching of APA, Chaney with Messer to incorporate he feature of API, which identifies a manufacturer of said digital audio playback device, and wherein said reverse API is capable of causing an identity of the manufacturer to be displayed because this enables a video window to be translated as well as scaled to accommodate a variety of televisions[36]."

The foregoing proposed reason (i.e., "enabl[ing] a video window to be translated as well as scaled to accommodate a variety of televisions") is not inherently tied to Applicant's invention embodied in claim 22. For example, accuracy and timeliness of information and ease of use do not compel the element of "the reverse DAPD API comprises first data associated with a manufacturer of the digital audio playback device" recited in claim 22. In this regard, the reasoning advanced by the examiner to support the proposed rejection of claim 22 is not rationally related to the claim, such that the examiner has failed to provide "articulated reasoning with some rational underpinning to support the legal

[36] November 18, 2009 Office Action, page 7.

conclusion of obviousness," as required by *KSR* to support an obviousness rejection of claim 22. It appears that the examiner has advanced arguments reliant upon "*ex post* reasoning" due to an improper hindsight bias based upon knowledge of Applicant's disclosure; the Federal Circuit has cautioned against such methodology (following the Supreme Court's *KSR* decision) in *Ortho-McNeil Pharm. Inc. v. Mylan Labs., Inc.*, *supra*. This provides an additional independent basis for withdrawal of the rejection of claim 22 under 35 U.S.C. 103. Withdrawal of such rejection is warranted, and is respectfully requested.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now-pending claims are in condition for allowance. Examination of the enclosed claims and issuance of a notice of allowance are earnestly solicited. Should any issues remain that may be amenable to telephonic resolution, the examiner is invited to telephone the undersigned attorneys to resolve such issues as expeditiously as possible.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

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